

## **REMARKS:**

### **I. Introduction**

In an Office Action mailed on March 25, 2009, the Examiner rejected claims 1, 3, 5 to 8, 10 to 15, 18 to 20, and 22. The present amendment cancels no claims 21, amends claims 1 and 22, and adds no new claims. Accordingly, claims 1, 3, 5 to 8, 10 to 15, 18 to 20, and 22 are now pending in this application.

### **II. Claim Rejections Pursuant to 35 U.S.C 112**

The Examiner rejected claims 1, 3, 5 to 15, 18 to 20, and 22 pursuant to 35 U.S.C 112, second paragraph, as indefinite. The examiner states that claim 1 includes "method steps". While, applicant does not agree that such functional language renders the claim indefinite, the cited language has been deleted in order to expedite prosecution of the present application. Reconsideration and withdrawal of the rejection is requested.

### **III. Claim Rejections Pursuant to 35 U.S.C 103**

(a) The Examiner rejected claims 1, 3, 5 to 7, and 18 to 20 pursuant to 35 U.S.C 103(a) as unpatentable over **Mickelson** (US 3,949,524) in view of **Grigi** (EP 0 842 599).

Mickelson discloses a planter having a pot (11) and a coaster (21) secured together with a snap lock connection. Coupling elements or projections (20) are inserted into holes (18) creating an interference in the axial direction to secure the coaster to the pot. The projections are deformable and resilient so that coaster can be attached and removed. The specification clearly states "Also, it can be seen that the projection 20 overlaps the bottom 16 of the downwardly depending portion 15 so that a snap-lock relationship is produced. Column 3, lines 36 to 39.

Grigi also discloses a planter having a pot (2) and a coaster (3) secured together with a snap lock connection. Coupling elements or projections (24) are inserted into holes (16) creating an interference in the axial direction to secure the coaster to the pot. The projections are deformable and resilient so that coaster can be attached and removed.

It is noted that with axial snap-lock connections such as those disclosed by Mickelson and Grigi, axial pressure created by plant roots extending into holes and onto the coaster can push the coaster off the pot. If the axial snap-lock connections are made to require relatively

large attachment and removal forces to combat this problem, it can then become difficult to attach and remove the coaster from the pot.

In contrast, the present invention has coupling elements (11, 15) that form a bayonet coupling so that the coaster (2) and the pot (1) are attached via relative rotational movement about the central axis without deformation of the coupling elements. A bayonet coupling does not deform resilient elements to remove and resiliently reinstate an interference or lock. With a bayonet coupling, only rotational movement is required in order to engage and disengage the connection. With the bayonet coupling of the present invention, root push off not happen because the coupling requires rotational movement to engage and disengage the connection. The bayonet coupling engages the components at a right angle to the root pressure. Also, the bayonet coupling requires relatively low engagement and disengagement forces relative to the snap-lock connections.

The Examiner stated that “a bayonet-type coupling connection” is functional language and that “a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art. The Examiner also states that “the bayonet coupling is broadly claimed as a “bayonet-type coupling” and that “Mickelson is considered as showing hooks cooperating with openings to form a bayonet-type coupling in that the mating hook and openings of Mickelson form a coupling by rotational movement. Applicant disagrees that “a bayonet-type coupling connection” is functional language but has amended the language to “a bayonet coupling” to make it more clear that a structural limitation is intended. As discussed above, Mickelson (and Grigi) relies on deforming resilient projections to form its connection and thus Mickelson has a snap lock connection not a bayonet coupling. Thus, the structure of Mickelson nor Grigi discloses or reasonably suggests a bayonet coupling.

Independent claim 1, and claims dependent therefrom, are allowable because they each require “wherein the coupling elements (11, 15) include a plurality of openings spaced about the central axis of symmetry of the pot and a plurality of hooks cooperating with the openings to form a bayonet coupling” and “wherein the bayonet coupling is adapted so that each of the hooks are axially inserted and withdrawn from a first portion of the openings without deformation of the openings or the hooks and rotated about the central axis of symmetry of the pot from the first portion of the openings to a second portion of the openings from which the hooks cannot be axially withdrawn from the openings to couple the coaster and the pot against relative axial”

movement therebetween." No prior art of record discloses or reasonably suggests the present invention as now claimed by independent claim 1. Reconsideration and withdrawal of the rejection is requested.

(b) The Examiner rejected claims 8, 10 to 12, and 22 pursuant to 35 U.S.C 103(a) as unpatentable over **Mickelson** (US 3,949,524) in view of **Grigi** (EP 0 842 599) and further in view of **Wells** (US 1,391,353).

Claims 8, 10 to 12, and 22 are allowable as depending from allowable independent claim 1 as discussed above and also independently allowable for novel and nonobvious matter therein. It is noted that Wells does not make up for the deficiencies of Mickelson, Grigi and Anderson. Reconsideration and withdrawal of the rejection is requested.


(c) The Examiner rejected claims 13 to 15 pursuant to 35 U.S.C 103(a) as unpatentable over **Mickelson** (US 3,949,524) in view of **Grigi** (EP 0 842 599) and further in view of **Wells** (US 1,391,353) and further in view of **Kay** (US 4,315,382).

Claims 13 to 15 are allowable as depending from allowable independent claim 1 as discussed above and also independently allowable for novel and nonobvious matter therein. It is noted that Wells does not make up for the deficiencies of Mickelson, Grigi, Anderson, and Wells. Reconsideration and withdrawal of the rejection is requested.

#### IV. Conclusion

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,



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